



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

WN-15J

AUG 02 2017

Linda Verhulst
Technical Supervisor
Sangamon County Water Reclamation District
3000 N. 8th Street
Springfield, IL 62707

Re: Review of Pretreatment Ordinance (PTO), Enforcement Response Plan (ERP) and Local Limits (LL) Study for the Sangamon County Water Reclamation District (SCWRD), NPDES Permit No. IL0021989

Dear Ms. Verhulst:

The U. S. Environmental Protection Agency (EPA) has reviewed the draft of the local PTO which was initially submitted on December 9, 2015, with revisions submitted in response to our comments on August 26, 2016, and October 26, 2016. This review included the revised ERP, which consists of Chapter 5 of the PTO. In addition, we reviewed the LL Study which was initially submitted on April 28, 2015, with revisions submitted in response to our comments on September 9, 2015, and November, 2015. With regard to the LL Study, I am pleased to inform you that based on our evaluation of the information provided, the subject study is approvable. We concur with the conclusion of the report, which recommends reducing the limits for arsenic, cadmium, copper, lead, nickel and zinc, increasing limits for chromium, hexavalent chromium, cyanide, silver and phenols, establishing new limits for molybdenum and selenium, establishing surcharges in lieu of limits for fats, oil and grease, total suspended solids, biochemical oxygen demand and ammonia-nitrogen, eliminating the limit for total toxic organics and retention of all the other local limits. We believe that the implementation of these modifications is consistent with the Federal requirements and your responsibilities with regard to pretreatment. Please note that EPA can only approve local limits that have been formally adopted by the Sangamon County Water Reclamation District (SCWRD). More specifically we need to have a signed, certified, copy of the PTO amending the local municipal code to include all the changes described in the previous paragraph, following its approval by the entity which has administrative and legal jurisdiction over the wastewater treatment plant. Therefore, this communication should not be construed as a final approval of the revised local limits. Also, it should be noted, that 40 CFR §403.18(b)(2) states that modifications to the PTO that relax local limits, except for pH, are considered substantial modifications. Therefore, these modifications require public notice prior to our approval. Once the notice is published in the largest newspaper of general circulation in the area served by the SCWRD, and the required 30-day comment period has elapsed, please provide us with a proof of publication, any comments received and your responses to those comments.

The review of your PTO, including your ERP has identified deficiencies which must be corrected before these documents can be approved by EPA. These deficiencies, which identify provisions of your PTO, including your ERP which do not conform to EPA's regulations, are shown on the attachment to this letter.

Once the SCWRD incorporates the revisions outlined in the attachment into the respective documents, as well as the tentatively approved local limits, please forward the revised versions to this office at the above address for review. Submittals may be emailed (this is the preferred method) to:

R5NPDES@epa.gov and schweizer.jonathan@epa.gov

Or sent by regular mail to:

NPDES Program Branch
Pretreatment Program
U.S. EPA, Region 5
77 West Jackson Blvd.
Mail Code: WN-16J
Chicago, Illinois, 60604-3590

If you have any questions, please contact Jonathan J. Schweizer by phone at (312) 886-0211 or at schweizer.jonathan@epa.gov.

Sincerely,



D. Scott Ireland, Chief
Section 1, NPDES Programs Branch

Enclosure

cc: Al Keller, IEPA, electronically

**COMMENTS ON THE SANGAMON COUNTY WATER RECLAMATION DISTRICT
SUO**

Pretreatment Ordinance

1. Definitions

- a. Under “authorized representative” item (iii) appears to apply to both (i) and (ii) and should therefore be a separate sentence. The definition should also require that the duly authorized representative be designated in writing and the writing be submitted to the City.
- b. “Biochemical oxygen demand.” After “standard laboratory procedures” add the words “for five (5) days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/l).”
- c. “Chemical oxygen demand.” It’s unclear what the “chemical oxidant” is or why the SUO references standard potassium dichromate solution. Please use the definition from 1.4 in the *EPA Model Pretreatment Ordinance* (enclosed), or the following definition from “Terms & Acronyms” on the EPA website: “A measure of the oxygen-consuming capacity of inorganic and organic matter present in wastewater. COD is expressed as the amount of oxygen consumed in mg/l. Results do not necessarily correlate to the biochemical oxygen demand (BOD) because the chemical oxidant may react with substances that bacteria do not stabilize.”
- d. “Grab sample.” Change “without consideration of time” to “over a period of time not to exceed 15 minutes” in accordance with 40 CFR § 403 Appendix E, Item II.4.
- e. “New source.” Change regulatory citation from 403.3(k) to 403.3(m).
- f. “Person.” Add at end of sentence “or their legal representatives, agents or assigns.” Please see the definition in 1.4.W of the *EPA Model Pretreatment Ordinance*.
- g. “Significant industrial user” (SIU). This definition shows 5 criteria with the word “and” before the last one, implying that only an IU meeting all 5 would be an SIU. Based on 40 CFR § 403.3(v) “and” should be “or.” Also, please explain the rationale for criterion No. 4 “alternative discharge limits” since that isn’t based on any Federal regulation.
- h. “Significant noncompliance” (SNC) This definition differs from the regulatory definition as follows: Part A of definition needs to include reference to exceedances of numeric Pretreatment Standards or Requirements, including instantaneous limits, as defined by 40 CFR § 403.3(l); same for Part B; same for Part C; Part E should include a reference to the Wastewater Discharge Permit.
- i. “Slug discharge.” The full definition from 40 CFR § 403.8(f)(2)(vi) should be included, which contains the phrase “which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, local limits or Permit conditions.”
- j. The following definitions are missing from the Ordinance. Please use the definitions from 40 CFR § 403.3 when available, or from 1.4 of the *EPA Model Pretreatment Ordinance*:
 - i. Approval Authority

- ii. Daily Maximum
- iii. Daily Maximum Limit
- iv. Environmental Protection Agency
- v. Instantaneous Limit
- vi. Local Limit
- vii. Medical Waste
- viii. Monthly Average
- ix. Monthly Average Limit
- x. Non-contact cooling water
- xi. Non-significant industrial user
- xii. Stormwater

2. The following comments relate to specific prohibitions under prohibited discharges. As a general comment this section should have a statement that pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW. It is also noted that several of the specific prohibitions refer to “facilities” but the term is not defined in the SUO. A definition of “facilities” should be added to the “definitions” section.
 - a. Fire/explosion hazard: The description should include the phrase: “using the test methods specified in 40 CFR 261.21.”
 - b. The specific prohibitions do not include 40 CFR §403.5(b)(4) which refers to excessive concentrations of BOD or other pollutants which would cause interference or pass through. This prohibition needs to be added.
3. Under 3.2 “Pretreatment Requirements.” The citation to the categorical pretreatment standards should not have been deleted. Please add it back to that section.
4. Under 4.2.1 “Baseline Reports.” Item “p” required the permittee to submit a statement as to whether the National Categorical Pretreatment Standards are being met, and if not, whether additional pretreatment is needed. Please note that according to 40 CFR § 403.12(b)(6) this statement must be reviewed by the authorized representative and certified by a qualified professional. Please revise this provision accordingly.
5. Also under “Baseline Reports” there is no mention of reporting on use of best management practices (BMP’s). Documentation of use of BMP’s is a record-keeping requirement as stated in 40 CFR § 403.12(o). Please include this provision if applicable. If Sangamon County RWD doesn’t use BMP’s, please so state.
6. Under 4.5 “Wastewater Discharge Permits.” A statement should be added at the end of paragraph “a” which says “No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit (or a general permit, as applicable) from [the Superintendent], except that a Significant Industrial User that has filed a timely application pursuant to this ordinance may continue to for the time period specified therein.”

7. Section 4.5, paragraph "d", Item # 10 contains a permit requirement that a permittee must notify the control authority of any slug discharges. However, it should be noted that 40 CFR § 403.8(f)(1)(iii)(B)(6) requires that the permittee must have a plan to control slug discharges, if the control authority believes it to be necessary. Therefore, this item should be revised accordingly.
8. EPA recommends that a paragraph be included at the end (paragraph i) that would state the following: "Any violation of the terms and conditions of an individual wastewater discharge permit (or a general permit, as applicable) shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to penalties as set out in this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law."
9. Public Participation/Non-compliance: According to 40 CFR § 403.8(f)(2)(viii) Sangamon County RWD must comply with the Public Participation requirements of 40 CFR § 25 in the enforcement of National Pretreatment Standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance (SNC) with applicable Pretreatment requirements. This provision isn't found in the proposed SUO. In addition, the SUO doesn't list or cite the criteria for IU's in SNC. These must be listed verbatim, as shown in 40 CFR § 403.8(f)(2)(viii)(A)-(H).

Enforcement Response Plan

General Comment: The requirement for an Enforcement Response Plan (ERP) is stated in 40 CFR § 403.8(f)(5). The requirement is as follows:

(5) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- (i) Describe how the POTW will investigate instances of noncompliance;
- (ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (iii) Identify (by title) the official(s) responsible for each type of response;
- (iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

A review of Chapter 5 in the PTO reveals that the detailed procedures as stated above are not described. In short, it is not sufficient to merely state that inspections and sampling will be done

without including additional information. The plan should also include information on management of the data obtained from inspections and sampling, as well as tracking of actions such as notices of violations, administrative orders, warnings etc. to ensure timely follow-up. Finally, EPA recommends the use of a table to show types of violations and the SCWRD's associated responses and time frames. This will help ensure the use of escalated penalties for more serious infractions, as required.

In order to better illustrate what is being requested, an Excel spreadsheet has been enclosed with an outline of items that should be in the ERP. A link to an EPA guidance document entitled *Guidance for Developing Control Authority Enforcement Response Plans* is also provided. It can be downloaded from the EPA website at:

<https://www3.epa.gov/npdes/pubs/owm0015.pdf>

In particular, EPA recommends that you refer to Chapter 2 regarding sampling and inspection data gathering, and Chapter 4, particularly pages 4-8 to 4-12, regarding development of a guide for escalating enforcement responses.